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Inventor: Drake Farley, Washington, DC (US)
Patent Application Number: 10/666,933
Title of Invention: COSMETIC-PLASTIC WINDOW
COVERING FOR AUTOMOBILE
Filing Date: September 16, 2002
Group Art Unit: 3612
Examiner Name: Jason S. Morrow

Re: Reply to Non-final Action Concerning Prior Art by Inventor, Robert Huang—Maker of the Folding Sunshield—U.S. Patent Number: 5,692,554

Applicant acknowledges the Examiner's objections to the specification and to the drawing. However, it is requested that said corrections be held in abeyance until allowable subject matter is indicated.

With respect to the rejection on the merits, applicant presents the following arguments. The patent to Huang fails as a rejection against applicant's claim for the following reasons:

I wish to dispute the claim that my invention, the cosmetic-plastic window covering for automobile is anyway similar in use, design and purpose. In Huang's U. S. patent, it clearly states in the introduction and specification of the invention that "it is primarily useful as a sunshield for the windshield of a vehicle, although it may be used on side windows and rear windows of vehicles or windows in buildings and in other places wherever a sunshield is needed." In Huang's detailed description of the invention, it also states that "the sunshield material may be opaque or translucent." These proclaimed descriptions and like statements of use will prove my argument that my invention, is different in its use, design and purpose.

Applicant's invention is made-up of a very thin, flexible and light weight transparent plastic that replaces a broken side and/or rear window for temporary use or pleasure. "Its primary design is to prevent easy access to automobiles with broken or damaged windows. This strong, but durable transparent plastic covering fits snugly into the creases of the vehicle's window frame." The plastic window covering is also called a cosmetic window covering, because it can be used fashionably—by using various shades of tinted colors, for the purpose of fashion, privacy and style.

The idea was to make a product that could be used temporarily on an automobile and it would be reusable, lightweight and easy to fold and store away, until you choose to use it again. The transparent material used in my invention is comprised of a durable impact-resistant plastic or super strong plexiglas like, acrylic type plastic material that clearly permits the driver of the vehicle unrestricted and unobstructed vision through the temporary window.

Robert Huang's invention of a folding sunshield, unlike applicant's invention, is to shield the sunlight (prevent the sunlight from penetrating through), the windshield of a vehicle, the side windows and rear windows of vehicles or windows in buildings and in other places wherever a sunshield (an anti-sunlight apparatus) is needed. For Huang, his intent is to use a material for the folding shield that may be opaque or translucent. The material is not transparent, it is impenetrable to light, not allowing light to pass through. However, when using a translucent material, it will permit light to pass through, but diffusing it so that persons or objects on the opposite side are not clearly visible.

Nowhere in Huang's patent does it state that the subject item fits snugly into the side-door frame or some rear window of an automobile. The sole purpose of my invention, compared to Huang's is to temporarily replace the side-door or window of an automobile. Therefore, it is applicant's belief that his invention is clearly different in intent and use than those of the prior art and that applicant's claims should be allowed.

Applicant acknowledges the secondary references; however, they fail for primarily the same reasons as does Huang. In Ames for example, his phrase "optical clarity" is vague and misleading. Eskandry is a design patent that does not touch the merits of applicant's invention. Vargas speaks of an adhesive material which is contrary to the intent of applicant's invention. Garrett is for a windshield only. McDonald's patent is for a "bullet proof" material and also does not apply